IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
CRIMINAL REFERENCE NO.2 OF 2005

V.V.Shahapurkar, Judge, Family Court ...Petitioner.
V/s.
Charan Vikas Mahanand Arya ...Respondent.

Mrs.P.H.Kantharia, APP for the State/Petitioner.
Mr.Sudhir C. Halli for the Respondent.

CORAM: B.H.MARLAPALLE &
J.H.BHATIA, JJ.
DATE : 28th November, 2006.
P.C.:

1. This Contempt proceeding was initiated on a reference from Mr.Shahapurkar, the learned Judge, Family Court, Pune on the ground that in Miscellaneous Application No.43 of 2002 between the respondent and his wife, the present respondent had made allegations of bias, favouritism, etc. against the former Presiding Officer of the said Family Court No.2, namely, Mrs.N.S.Shaikh, in his affidavits-Exhibit Nos.50 and 52. Notice was issued to the respondent by the learned Family Court Judge to show cause as to why contempt proceeding should not be initiated against him. In his reply, Exhibit-56 also he reiterated the allegations against Mrs.N.S.Shaikh.

2. In response to the notice issued by this Court, the respondent has filed affidavit-in-reply wherein he

has repeatedly tendered sincere and unconditional apology for his conduct before the Family Court. He has stated that he had no personal grudge against Mrs.N.S.Shaikh, the learned Judge and he had also no intention or motive to scandalize or lower the position of the Court. According to him, he was mentally and physically harassed by his wife and out of frustration and due to mental imbalance , he had made the allegations against the Judge. He seeks to withdraw the allegations made by him in his reply before the Family Court and requested for acceptance of unconditional apology.

3. Taking into consideration affidavit-in-reply filed by the respondent, we are satisfied that he has offered sincere and unconditional apology for his conduct. He also seeks to withdraw all the allegations made against Mrs.N.S.Shaikh, the learned Judge of the Family Court. We find that in the interest of justice, unconditional apology may be accepted.

4. We hereby accept unconditional apology tendered by the respondent and discharge the contempt notice.

(J.H.BHATIA,J.) **(B.H.MARLAPALLE,J.)**